

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

United States Postal Service,

Case No. 3:11 CV 1878

Petitioner,

O R D E R

-vs-

JUDGE JACK ZOUHARY

J. Leonard Spodek,

Respondent.

This Court has reviewed the Report and Recommendation (“R&R”) of the Magistrate Judge (Doc. 24). The R&R recommends this Court grant Plaintiff’s Motion for Summary Judgment (Doc. 22) and deny Defendant’s Motion for Summary Judgment (Doc. 23) because the parties’ failure to execute the closing documents was a result of Defendant’s breach (Doc. 24 at 10 & 15). Under the relevant statute, 28 U.S.C. § 636(b)(1):

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

The failure to file objections within the time frame set forth in the statute constitutes a waiver of *de novo* review by the district court. *See United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *Thomas v. Arn*, 474 U.S. 140 (1985).

The deadline for filing objections was July 4, 2012. No objections have been filed. The R&R, which accurately states the facts and law, is adopted in its entirety. Accordingly, Plaintiff’s Motion for Summary Judgment is granted and Defendant’s Motion for Summary Judgment is denied.

Defendant shall complete the closing and transfer of all right, title and interest to the Carey, Ohio Post Office property no later than **July 20, 2012**.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

July 9, 2012